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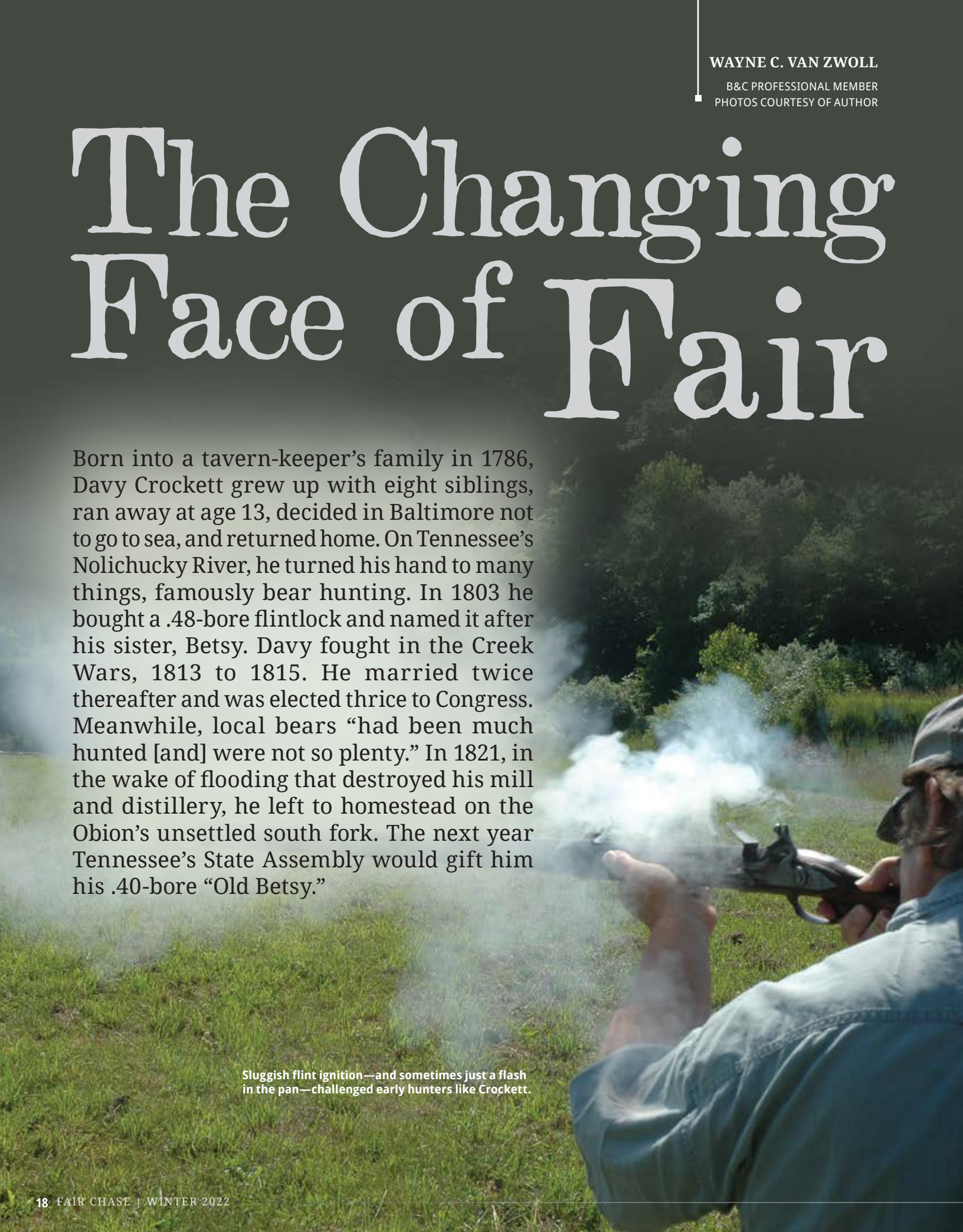
The Changing Face of Fair

Born into a tavern-keeper's family in 1786, Davy Crockett grew up with eight siblings, ran away at age 13, decided in Baltimore not to go to sea, and returned home. On Tennessee's Nolichucky River, he turned his hand to many things, famously bear hunting. In 1803 he bought a .48-bore flintlock and named it after his sister, Betsy. Davy fought in the Creek Wars, 1813 to 1815. He married twice thereafter and was elected thrice to Congress. Meanwhile, local bears "had been much hunted [and] were not so plenty." In 1821, in the wake of flooding that destroyed his mill and distillery, he left to homestead on the Obion's unsettled south fork. The next year Tennessee's State Assembly would gift him his .40-bore "Old Betsy."



Sluggish flint ignition—and sometimes just a flash in the pan—challenged early hunters like Crockett.

"Life isn't fair." So how is hunting fair? Surely, rules and tools can't make it so – can they?

Wayne heard this bull the last day of a hunt, raced after it, fired at 80 yards. Fair chase can limit your chance to a short moment, after demanding you spend days working for it!

In the fall of 1825, Crockett and a neighbor found where bears were plentiful and reportedly shot 15 in two weeks. Though now well-supplied with meat, Davy couldn't resist returning with his nine-year-old son. They killed six bears in two days, 17 by week's end. While yarn-spinning and lapses in memory may have skewed the numbers (even Davy's life story!) they're consistent with the bounty of the times.

In 1842, six years after Crockett passed into legend at the Alamo, Robert Eager Bobo was born in rural Mississippi. After soldiering for the Confederacy, he returned to find his county flooded. As legend has it, he canoed until he found land, then claimed it. Before Bobo's passing in 1902, that patch of forest and canebrake would become a 2,000-acre hunting estate.

An avid bear hunter, Bobo trained his Walkers and Redbones with a tame bear he led through the woods. To avoid shooting dogs circling a bear, he'd wade in with a knife. One bear glommed onto Bobo's knife hand. Quick thinking and a deft weak-side draw brought his revolver to the melee. On another hunt, he pulled a vine to tumble the treed bear. A brawl ensued. His partner fell under hounds and bear and was faring poorly when Bobo's knife found the animal's heart.

In 1887, a year before the Boone and Crockett Club was formed, *Forest and Stream* featured Bob Bobo in an article. He declared that after renting out the farm, he'd "lived in the swamp" with hunters and shot as many as nine adult bears in a day. One season, he claimed, he'd taken 150.

Fair chase before the 1860s was any chase, given the black-powder arms of the day, the vastness of game ranges, and frontier challenges facing hunters, all of whom traveled by foot or horseback. By the late '80s, settlement had shrunk distances, erased natural sanctuaries. There were more hunters; they were more efficient. Wildlife was beset by a human tide rolling west. Markets that paid hunters to kill littered the plains with three million tons of bison bones. Punt guns emptied sky and marsh. Wildlife loss inspired B&C's founders. The Club would later define fair chase as "the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild game animal in a manner that does not give the hunter an improper or unfair advantage over the game animals."

Defeated by Americans with breech-loaders, the Irish held to muzzle-loaders, like this lovely Rigby.

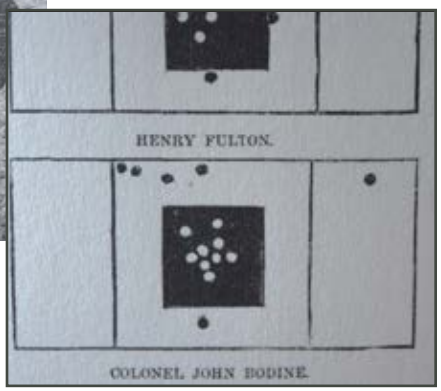
Hunting bears in vast, unforgiving reaches with a flintlock, and dislodging treed bears to lay them low with a knife seem, on the face, fair play. But the country would not long stay wild.

In 1873 Irish marksmen won the Elcho Shield at Wimbledon, trouncing the English and the Scots in long-range competition. That November, the Irish challenged "any American team" to a similar match. Each team would comprise six men, firing 15 shots apiece at 800, 900, and 1,000 yards.

Such distances were rare on ranges in North America. Competition had evolved from its hunting culture, from conflicts decided by muskets. Even buffalo hunters crept close, to conserve powder and ball.

The Irish had used Rigby muzzle-loaders in their conquest and were keen to upstage U.S. breech-loaders. All shooters would use the

LEFT: America's victorious Creedmoor team, back row from left: Yale, Fulton, Hepburn. Front row: Bodine, the team captain, Dakin and Gildersleeve. Remington and Sharps breech-loaders won the day! BELOW: Col. John Bodine's decisive 1,000-yard Creedmoor target. He finished with a cut trigger hand and three bulls-eyes, winning the match for the Americans, 934-931. That bulls-eye is 3 feet square.



same charges of black powder in iron-sighted 44-caliber rifles up to 10 pounds in weight. By March 1874, Remington had a new target rifle: a .44-90 by L.L. Hepburn on a Rolling Block action, with a 34-inch barrel. Sharps built a similar arm on its 1874 dropping-block action. The English target's 6x12-foot face had a square 3x3-foot bulls-eye, a 6x6-foot "center" and an "outer" wing 2 feet on each side. Point values: 4, 3, and 2.

On September 26 the sun rolled up hot for the Grand International Rifle Match. The Creedmoor grounds were dry. The favored Irish team gathered at 10:30 near the firing point, cordoned off from 8,000 spectators. They'd come on foot and bicycles, and in clattering coaches and hacks, a haze of yellow dust in their wake. The L.I. Railroad was running special trains for the event.

Competitors fired singly. At 800 yards mirage punished the Irish, accustomed to cloudy days. The first man missed the faint fleck squirming about his front aperture. But at the stage's end, scores were close.

An Irish crossfire at 900 yards favored the U.S. An American miss kept the lead tight. Finishing strong at 1,000 yards, the Irish left America's last man, Col. Bodine, to close a startling gap in the score with three shots. Sweating, Bodin fired two bulls-eyes, then, granted a pause, opened a ginger beer to wet his throat. The bottle broke, lacerating his trigger hand. He stanched the blood with a handkerchief, then squinted into the sight to send the bullet that would decide the Grand Match.

His .44-90 boomed. Cheers erupted as the big missile centered iron. America had won, 934-931!

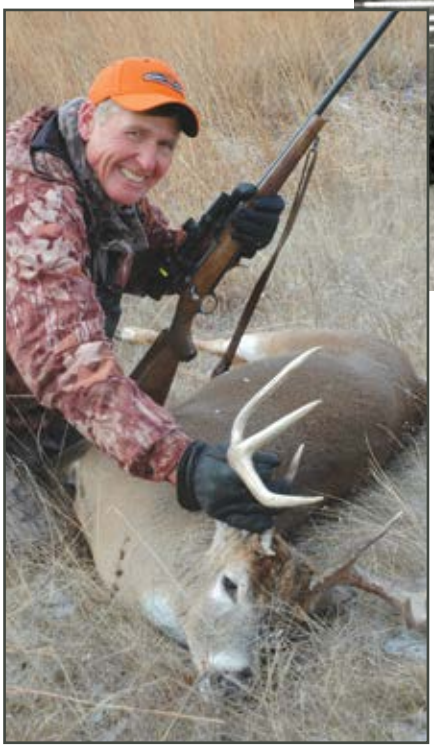
In competition, rules establishing fair play are many, and specific to the event. Breaches of rules bring penalties. Tackling is fair in rugby, not basketball. Catch and carry works in football, not in soccer. Competitive shooting was regulated sport, with rules and penalties before either applied to hunting in the U.S. Credit hunting's roots in subsistence, field conditions that defied control, and the oft-defining role of luck on hunts. (Much earlier, European rules limited peasant access to game while royalty piled up great numbers of beasts. The peasants thought this unfair).

Bag limits and season restrictions stateside paralleled a cultural shift afield. Subsistence hunting gave way to sport hunting. Without "fair" pursuit, killing would not be sport. But from the start, defining "fair" proved tricky. What was ethical for one person, or customary for one area or one generation, wasn't for another. "Party hunting" for instance. Where I grew up, hunters commonly had rifle in hand so long as the camp had unused tags. Enforcing a one-deer-per-hunter rule was hard. In the 1960s, Michigan issued additional "camp deer" tags to groups of four, a nod to tradition as the state pursued tag violations.

More recently, B&C's positions have been pressed to keep pace with hunting methods and gear. Clusters of trail cameras bring human traffic that can change animal behavior, but restricting cameras or the traffic is largely impractical. Opening day adds the issue of killing.

Modern loads give hunters reach beyond the limits of an animal's senses. But you can try to get closer.

RIGHT: Fred Bear hunted six years before killing a deer with his bow. Still, he reveled in his "life in the open." BELOW: Deer that don't hide have little chance against scoped rifles. Should such game be given a handicap?



B&C disallows for records books game shot because of the hunter's "real-time" response to a camera. A smartphone image that prompts someone to grab bow or rifle and head for the woods reduces hunting to a fetch-on-signal exercise, like picking up a friend at the airport.

Laser-ranging scopes likewise get a pass for pre-season practice, but not for the hunt. Such sights can replace traditional skills that affect a hunter's ability to kill. B&C's position: No laser-ranging device is to be on the rifle. Not long ago, a fellow shot a record-book animal at 12 steps, but because his scope had a laser, the entry was disallowed. While he didn't use the range-finding feature, it was a ready crutch.

"Whatever reasons they give you for hunting," the late Jack Atcheson, Sr. told me, "hunters want to get game." Wisdom born of long experience in the outfitting business! What an irony, that the hunting industry is sustained by products and services forever testing the limits of its fidelity to hunting effort!

Laser-ranging glass and ballistics programs in smartphones fuel interest in long-range shooting, even as they make hitting easier. Distance still begs accurate reads of wind and mirage. It shows flaws in shooting technique that closer targets can't. On hunts, however, long shots draw ire for running contrary to the spirit of fair chase.

Alas, "long" no more clearly describes a shot than it does a day's drive, a hospital stay, or a boat. "Too long" applies after the fact—but perhaps only for that shot. If after missing a deer at 14 feet I had accepted the poke as too long for me or my rifle, I'd have peddled the rifle—and my freezer! Your lethal reach depends less on raw distance than on your shooting fundamentals and how well you read conditions of the moment.

At an Ohio IBS (Benchrest) match in 2007, Tom Sarver sent five shots into a 1,000-yard group that mic'd 1.403 inch—.14 minute of angle! Just as remarkably, the knot was centered: 50-5x! Such precision would have been unimagined by early Creedmoor shooters. It's still a bar too high for hunters with wand-weight rifles under field conditions. But hunters now routinely kill from far beyond the sensory limits of the game. Whether that is ethical depends mostly on the hunter's view of "ethical."

Is lethal reach a measure of hunting prowess? Arguably, accomplished hunters earn short shots. The search for game, and the approach, distinguish hunting from killing. Gear that drains effort from the search or the sneak nudges hunting ever closer to the mere act of shooting. Codifying "fair" in yardage remains impractical because short shots can be difficult and long shots easy. And because field conditions can alert game to hunters far away—or deny it awareness of a hunter very close. Legal hunting is much more easily defined than ethical hunting. And it falls well shy of describing "fair chase."

Fred Bear first tried to arrow a deer in 1929. He loosed all six of his shafts at a snowshoe hare to no effect. It was an omen. Six seasons would pass before he killed a deer. In 1933, after fire destroyed Jansen's tire cover plant where Fred worked, he began making target bows of lemonwood in a garage. There, in '39, he founded Bear Archery and played host to a new Detroit Archers Club. The Club's first hunt drew 50 participants. They shot one deer! But spirits remained high. "Life in the open is one of my finest rewards," Bear would write later. "Hunting is [an] exercise in freedom, ... a return to fundamentals that I instinctively feel are basic and right."

Few hunters have become as famous as Fred Bear, but now and then a tale of a hunter of similar bent catches my eye. In earlier writing, I've told of Lowell Hayes, a young outdoorsman who in the winter of 1952-53 left his Darby, Montana, home and his trapline to hunt cougars. He would be gone a month in the vast Selway-Bitterroot Wilderness sprawling across the Idaho-Montana line. "You could [hike] for 50 miles in most directions without crossing an open road," he reported.

Right away, on Nez Perce Pass, he met a blizzard. Breaking trail with snowshoes was hard work,

Read more about fair chase and our entry affidavit on page 62.

"but I felt free, fresh, and vigorous. That night the dogs and I stayed in an old prospector's cabin."

The next 11 miles were tough, too, warming air turning the loose snow to dough balls that clung to 'shoe webbing. Rain came next and continued. Shelter was hard to find. Hayes ate rice and jerky, drank tea and citrus juice. His dogs wolfed meat from lion kills, and elk that had died of scabies.

Cougar sign was plentiful, but the cats proved elusive. The warm wind turned snow to water, erasing scent. Weeks spooled by. Early in February, Hayes crossed the Divide back into Montana.

Then, suddenly, his hounds broke into full cry, racing on huge tracks! He scrambled to keep them in earshot and was exhausted when he came upon them under a short fir. A tremendous cat, sides heaving, glared down. "I couldn't help admiring such a fine animal," Hayes would say later. He slipped a .32 S&W Long cartridge into his Krag. Its 98-grain bullet at 780 fps would spare the hide.

The big feline didn't flinch at the strike. The dogs went quiet as a rivulet of blood inched down its chest. The lion hit the ground dead. It taped nine feet, eight inches. Hayes backpacked the heavy hide 22 miles, over two passes, to Darby.

That 19-year-old Montanan had endured a month of cold and hunger and rain that "drenched my lonely fires and soaked the wood...." He figured he had walked 300 miles. He'd also killed the biggest cougar on record since Theodore Roosevelt's in 1901!

Remarkable for Hayes's endurance and resourcefulness, this odyssey should impress any hunter. Yet it wouldn't now be possible in hills above my home, where cougars may not be hunted with hounds. Unfair advantage?

Oddly enough, fairness in killing applied first to people. "All is fair in love and war" appeared in a poem by John Lyly in 1579. By then the duel (contraction of the Latin duo, two, and bellum, war) had evolved from the jousts of the Middle Ages, heavy swords supplanted by firearms that made armor a half-measure. Functional pistols (smooth-bores, by early rules) were cheaper than proper swords and required no costly fencing lessons. But those first guns were so unreliable, blades often appeared as backup.

Initially limited to nobility, duels defended not only personal honor but family and rank. Winners were assumed not only superior in combat but better people, even more favored by God! In 1777 the Irish came up with Code Duello, dueling rules that quickly gained favor worldwide. The U.S. Navy included the Code in its Midshipman's handbook until 1862. By then pistols had democratized dueling, commoners joining nobility in dignified manslaughter at 10 paces. Still, Rule 13, which prohibited "dumb shooting or firing in the air" was often broken by combatants who, at their peril, didn't wish death on the other. The duel between Aaron Burr and Alexander Hamilton on July 11, 1804, had no winners. Burr had lost his Senate seat in 1797 to Hamilton's father-in-law and, in 1800, a bid for the presidency when Hamilton supported Jefferson. Hamilton fired first in the duel but arguably directed the ball wide. Burr shot to hit; Hamilton died the next day. To his own surprise, Burr, who had played by the rules if not charitably, was publicly scorned. Fearing prosecution for manslaughter, he fled New York. Later acquitted of unrelated conspiracy charges, he struggled to salvage a law practice, lost a late marriage (and wealth) in divorce, and suffered paralyzing strokes before his death in September 1836.

Six months earlier Davy Crockett had died a hero. Adherence to the rules had failed Burr. Life, he might have concluded, is not fair. ■

Jack O'Connor's Sukalle-barreled .30-06, stocked by Al Biesen, wears a 2 1/2x scope. It accounted for a 43-inch Dall's ram, a 60-inch kudu. Is it fair for such a fine rifle to have such good fortune?

This Winchester '76 is still afield, in aging hands that thrill to close shots with iron-sighted lever rifles.